

Senator Bob Oke

2005 Session Report



Olympia Office:

110 Newhouse Building
PO Box 40426
Olympia WA 98504-0426

(360) 786-7650

Toll Free 1-800-562-6000

e-mail: oke.bob@leg.wa.gov

Web page:

[http://www1.leg.wa.gov/
Senate/SRC/Senators/
Oke.htm](http://www1.leg.wa.gov/Senate/SRC/Senators/Oke.htm)

Dear Friends:

Judy and I want to thank all of you who called and wrote to me with your prayers and support as I battle a rare form of blood cancer called multiple myeloma. Your kindness has meant so very much to us. Please visit our Web site for updates at www.thestatus.com. Click on "visit a patient page," type "Oke" in the box for patient's last name. The password is "care-suppose."

I had some difficult days during the 2005 session when I was undergoing chemo therapy and radiation treatments, but I only missed a few very late nights and a handful of days. For the most part, I was able to work just as hard as a legislative session demands.

Perhaps the issue that most overshadowed the session was the 2004 governor's election and the obvious need to make significant changes to our election process to restore public trust and confidence. In the Senate alone, 31 bills were introduced to fix problems spotlighted by the 2004 election.

A second major issue for the Legislature this year was transportation. I did not vote for the gas tax increase because a portion of it will be used as a down payment on Seattle mega projects like the Alaska Way Viaduct and the SR 520 bridge. It is expected that these projects will be tolled, but that plan is not in place. I discuss this more inside this newsletter.

In this newsletter, I have provided a summary of my efforts on behalf of our district and I report on a number of key issues I think will be of interest to you.

If you have any questions about legislation we considered this year or about state government, please do not hesitate to contact my office. My Legislative Assistant, Michelle Lewis, and I will be glad to work with you. It is my pleasure and privilege to serve you in the Washington State Senate.

Sincerely,

State Senator Bob Oke

Big Tobacco kills sampling bill — again

I was buoyed this session when Senate leadership from both parties co-sponsored my bill to prohibit the giving away of tobacco samples at public events. It was the first bill the Senate approved — just three weeks into the session. Sadly, the bill languished in the House of Representatives for the next three months and died in the House Rules Committee when the session ended on April 24.

My bill outlaws the giving away of cigarettes and chewing tobacco samples at public events such as concerts, rodeos and fairs — events frequented by youth. This bill has been approved three times before by the

Senate. In 2002, 2003 and 2004 the measure garnered a strong vote from in the Senate, but each year died in the House of Representatives.

It is illegal for tobacco companies to give samples to persons under age 18. However, Liquor Control Board agents are only able to inspect a handful of the many hundreds of events each year.

We know these samples are getting into the hands of young people and leading many to a lifetime of addiction. We also know that most of today's smokers started before age 18. Every day, 3,000 kids become addicted to tobacco. Every year, 400,000 Americans die from tobacco-related illnesses. Free samples often launch this tragic journey.

(Continued)

(Continued)

I intend to get this bill passed by the Senate again next year. I also intend to introduce a bill that puts a \$1.00 tax on every free sample handed out to be used exclusively for enforcement to make sure free cigarettes and chewing tobacco don't fall into the hands of youth.

Good News: Because a portion of the tobacco settlement money has been used to create an anti-smoking campaign targeted at youth, the state Department of Health reported in early April that its most recent survey shows smoking is down from the late 1990s to 2004 by 57 percent among sixth graders, 49 percent among eighth graders and 44 percent among twelfth graders.

This means the message is working; and it means we have to keep delivering it. Each year, we have new sixth graders and new students at other grade levels to reach.

Fighting tobacco use by youths is a team effort and when I was honored for my work by the **Campaign for Tobacco-Free Kids** on April 19, I know I was accepting the award for a number of people.

Smoking Ban

While no measure was approved this year to prohibit smoking in public places, a signature drive is currently underway for Initiative 901. I-901 repeals current laws allowing designation of certain smoking areas. Smoking is banned in all public places, places of employment and within 25 feet of entrances and exits.

Long Lake cleanup funded in capital budget

I am very pleased to report that \$750,000 was provided in the 2005-07 capital budget for the cleanup and ten-year management plan for Long Lake in Kitsap County. Along with this big win for our district, my bill to provide a funding source for programs to control toxic algae blooms and aquatic invasive species was signed into law. This program will give priority to lakes with algae blooms in the last three years, which includes Long Lake.

Long Lake and other lakes in our state are closed to swimming and boating and present a danger to pets and wildlife that drink the water because of toxic algae blooms and noxious weeds. A precious recreational resource for families is being lost.

Boats that move from lake to lake, without being well-cleaned, spread the algae and non-native aquatic species that clog and poison the water. To fund the cleanup program, boat registrations will be \$3.00 more. This money will specifically and only be used as follows: \$1.50 for aquatic invasive species prevention; \$1 for freshwater aquatic algae control; and \$.50 for aquatic invasive species enforcement.

The future of tolling in Washington

I am working as part of the 26th District delegation in Olympia to make sure any tri-county regional transportation funding plan for Snohomish, King and Pierce counties authorizes the Pierce County Council to exempt everyone on the west side of the Narrows Bridge. We have a strong case because the new Narrows Bridge is being paid for by users, a large percentage of whom live in the Gig Harbor area. A bill to provide this authority simply got lost in the shuffle this year because the transportation chairs were so focused on the gas tax and other parts of the statewide transportation package. I hope we will be able to get the measure through next session.

We are also working to exempt the bridge construction materials from the state sales and use tax. Right now the sales and use tax is being deferred until 2012. If we can win this exemption, it will save toll-payers \$45.9 million according to the latest fiscal note. So far, the state has kicked in \$50 million for land acquisition/right-of-way and approximately \$300 million for the SR 16 connectors on both sides of the bridge. The 2005-07 transportation budget — funded primarily by the new gas tax — extends those connectors from the Nalley Valley viaduct to the Port of Tacoma Road interchange (\$425 million).

During floor debate on the transportation budget, Sen. Phil Rockefeller (D-Bainbridge Island) and I were successful in adding two key amendments, although one was stripped out of the final version of bill by the House of Representatives.

The amendment removed by the House would have required the transportation commission to impose tolls on the new SR 520 Bridge. A toll feasibility study was done for this project and concluded that no more than \$844 million of the cost could be funded by tolls because there are easy alternatives and people wanting to avoid the tolls would cause major problems on these alternative routes. At \$844 million, the tolls will be roughly the same as those on the new Narrows Bridge — starting at \$3.00 round trip. The total cost of the SR 520 Bridge project is estimated at \$3 billion. Tolling all of this would make the tolls prohibitively high.

The other amendment that stayed in the budget requires a study of statewide tolling to include an analysis of the only currently authorized toll facility, the Tacoma Narrows Bridge project. The study findings at a minimum should include (a) the development of more uniform and equitable policies regarding the distribution of the financial burdens imposed on those paying the tolls on the Tacoma Narrows bridge, and (b) options of possible further buy-down of the outstanding indebtedness applicable to the bridge project in order to provide a more equitable distribution

of the financial burdens incurred by those paying tolls on the bridge.

Toll Discounts

House Bill 1864, introduced by Rep. Kilmer, restructures the Narrows Bridge Citizens Advisory Committee to require that members be appointed proportionately from those areas which generate the most traffic as determined by a traffic analysis. This committee advises the Transportation Commission, the toll setting authority, on all matters relating to the setting of tolls. In the Senate Transportation Committee, I was successful in adding the following two provisions:

1. The Advisory Committee is directed to look at the feasibility of providing toll discounts to frequent users with transponders in their vehicles.
2. The Advisory Committee is directed to analyze variable or time of day pricing.

House Bill 1864 was approved with these amendments by the full Legislature and was signed into law by the governor on May 9.

Transportation Agency Audits

Prior to approving the transportation revenue package, the Senate added an amendment providing \$4 million over two years for the state auditor to conduct performance audits on every aspect of the state's transportation system except for the Department of Licensing and the State Patrol. The performance audit amendment was critical to passing the revenue package. It's important to have independent audits to make sure our transportation system is functioning like it should.

Burley-Olalla Interchange

The 2005-07 transportation budget moved the Burley-Olalla interchange target completion date up by two years — from 2011 to 2009 — by making the bulk of the money needed earlier in the process. The design work is now scheduled to begin this July and the project will go out to bid in late 2007.

Horseshoe Lake

Under the state's Trust Land Transfer Program, state-owned timber lands with low income production potential are transferred to other government entities. The capital budget funds the timber value on the property and the money goes into the school construction account.



Oke honored by colleagues: Senator Republican Leader Bill Finkbeiner and Senate Majority Leader Lisa Brown display photo of new Narrows Bridge presented to Sen. Oke on April 23 in a tribute to his courage and inspiration during the legislation session.

The transfers approved this year include a 351-acre parcel for the Key Peninsula Park District to be used for open space and recreational opportunities. The mixture of older and younger forested stands on this property provides a variety of habitat for wildlife and public enjoyment.

A 16-acre parcel situated adjacent to **Kopachuck State Park** was also transferred to the Pierce County/Peninsula Metropolitan Park District. This transfer will increase the public land base and provide a variety of recreational opportunities.

New taxes could have been avoided

The Legislature did not have to raise taxes to run the state for the next two years. The key areas in need of protecting or funding are all covered in the "People's Budget," the plan my Republican colleagues and I offered as an alternative. Here are highlights of that proposal:

- **Education:** Fully fund education initiatives I-728 and I-732 without a tax increase; fully fund levy equalization.
- **Higher Education:** Over 10,000 new enrollments; increased financial aid availability to the middle class; greater efficiency — limiting career students and tuition waivers.
- **Health Care:** Protect nursing home funding; maintain access via vendor rate increase for health care providers; retain verification and eligibility efforts for Medicaid.
- **Human Services:** Completely backfill federal mental health funding loss; continue closure of Fircrest School to ensure additional funding for services for persons with developmental disabilities.
- **Pensions:** Sound and systematic funding — keep the commitment to our employees; make payments to unfunded liabilities.

- **Environment and Parks:** Eliminate state parks day fee; protect environmental funding — don't raid environmental accounts.
- **Compensation:** Fund collective bargaining agreements in exchange for greater efficiencies.
- **Fiscal Responsibility:** Nearly triple the ending fund reserve balance.

The "People's Budget" includes a total savings difference of \$959 million from the budget that was adopted. It also doesn't have the problems.

The 2005-07 operating budget is not sustainable; it puts the state on the road to another revenue crisis and a potential lawsuit.

- ✓ General Fund spending is increased by 11.7 percent over the current biennium — nearly four times the rate of inflation;
- ✓ Taxes are increased by more than \$400 million — including a new tax on extended warranties and a new estate tax;
- ✓ The state's reserve fund for unexpected emergencies is depleted — leaving it vulnerable to one bad revenue forecast;
- ✓ The scheduled payment toward the unfunded liability in the pension fund for state workers and teachers is skipped — leaving the state vulnerable to a lawsuit;
- ✓ New enrollments at the state's colleges rely solely on the reinstated estate tax and the new tax on cigarettes — an obligation previously supported by the state general fund;
- ✓ Uses a one-time revenue boost of \$51.6 million by moving up the due date for real estate tax payments.

I believe we could have avoided the new tax on extended warranties, the estate tax, protected our emergency reserve fund and made the scheduled payment to the state pension funds if the Senate majority had worked with Senate Republicans to craft a responsible budget plan. That didn't happen and I did not vote for the budget that was adopted.

Setting ferry fares

Each year, the Washington State Department of Transportation (WSDOT) must conduct a full review of ferry fares schedules. Senate Bill 5729, which I co-sponsored, adds two additional factors for WSDOT to consider: 1) the pre-purchase of multiple fares, whether for a single rider or multiple riders; and 2) frequent ferry users who live in ferry dependent communities. This measure was signed into law on May 4. It is my hope that these new factors will help mitigate fare increases for people in our district for whom the ferries are their roads.



War Dog Resolution: Picture left to right are Staff Sgt. Michael McPeak and Annette, Bill Shoap, and Sgt. Daniel Jones and Rex.

Courage at both ends of the leash

On March 29, the Senate adopted a resolution I sponsored honoring war dogs and supporting the effort of veterans to place a National War Dog Team Memorial in Washington D.C. War dogs have served alongside military personnel since World War I. They are credited with saving countless numbers of lives of Americans, allies and noncombatants. To read the resolution, please visit my Web site's News & Views page at: <http://www1.leg.wa.gov/Senate/SRC/Senators/OkeNews.htm>.

I shared this resolution with Rep. Kilmer and he introduced it in the House and where it was also adopted. I became aware of this project when a constituent, Mr. Bill Shoap, contacted me. Mr. Shoap is a Vietnam veteran and was a dog handler in Vietnam. He is the Washington State representative for the National War Dog Team Memorial.

Election reform

No issue consumed more time this session than fixing our elections process. In the end, some good changes were made, but two key changes were rejected by the majority party.

Even though the citizens who testified before the governor's Election Reform Task Force overwhelmingly supported **proof of U.S. citizenship to register to vote and proof of identity through photo identification at the polls to vote**, neither of these reforms were enacted.

However, several key provisions were included in the election reform bills passed. These include:

- All county election departments must be reviewed by the Secretary of State at least once every three

(Continued)

(Continued)

years and steps to be taken in response to any problems identified must be submitted in writing.

- Provisional ballots and absentee ballots must look different from regular poll ballots. This is particularly important for provisional ballots because in King County alone, 660 provisional ballots from the November 2004 general election were fed into vote-counting machines before the voter's registration was verified. They could not be retrieved because they looked just like regular poll ballots. I introduced this change in Senate Bill 5525 and the substance of my bill was incorporated into the legislation that passed.
- All election board workers must have access to a plain English, easy-to-understand manual for every step of the process.
- Ballots may not be "enhanced." Damaged ballots may be duplicated so they can be counted electronically, but only if the voter's intent is clear. The original and duplicate ballots must be kept together and the process must be monitored by a team of two or more people.
- The Secretary of State must develop uniform guidelines for all counties to follow in verifying signatures on absentee ballot return envelopes and unsigned envelopes will require the voter to appear in person to resolve the situation.

Fighting the meth epidemic

Meth labs have become a significant problem in our state. Methamphetamine is a very addictive drug that is easily produced in a make-shift, sometimes mobile, lab — creating a highly volatile and dangerous situation.

My colleagues and I have toughened penalties for operating a meth lab over the past few sessions — especially when children are discovered on the premises. We've also passed legislation limiting access to common cold medicines that contain drugs used to make methamphetamine. Before this year, our efforts have been mostly focus on the wholesale level. This year we passed a new law that significantly restricts access at the retail level.

House Bill 2266 requires that cold and allergy medicines containing ingredients used to make methamphetamine must be kept in an area not accessible to the public. Persons purchasing such medicines must show photo ID for the clerk to verify he or she is at least 18 years of age. A person may only purchase two packages (3 grams) in one transaction in a 24-hour period. In addition, the State Board of Pharmacy will conduct a pilot project to determine the best way for sellers of the drugs to keep a log so that it is useful to law enforcement and can act as a deterrent to criminal activity.

Small trailer license fee

When the Legislature repealed the motor vehicle excise tax and instituted the \$30 license tab fee, small utility trailers were inadvertently included in the new provisions. These trailers had been previously licensed for \$15. This year we changed the fee back to \$15.

New state agency performance audits plan could be stronger

One of the issues I have long supported is performance audits for state agencies. I believe efficiency, effectiveness and accountability in government are key to trust in government. This session, I co-sponsored Senate Bill 5083, a measure directing the state auditor to conduct performance audits of all state agencies.

A hybrid of this bill was introduced in the House, House Bill 1064, and this became the vehicle for a system of performance audits. Unfortunately, the version that passed the Legislature created an appointed board to oversee when and how performance audits will be conducted. The state auditor, an independently elected official directly accountable to voters, will collaborate with the board and must contract out for the performance audits. Ultimately, however, it is the appointed board, and not the state auditor that is responsible for what the system of performance audits will look like and what entities will be audited.

During Senate debate on this measure, I supported amendments that would have put the responsibility for performance audits back in the hands of the state auditor. Both amendments were rejected by the majority party.

There is currently a signature drive underway for Initiative 900 that directs the state auditor to conduct performance audits of state and local governments. The measure dedicates 0.16 percent of the state's portion of the sales and use tax to pay for these audits.

Public disclosure keeps government transparent

I co-sponsored a bill, requested by State Attorney General Rob McKenna, to keep government entities from turning down public records requests solely on the basis that the request is overly broad. Citizens might not know exactly what to ask for or how to ask for it. Governments should help citizens obtain the documents they want. The second part of the bill limited the use of the attorney-client privilege to keep documents from public view.

The provision of the bill dealing with attorney-client privilege was significantly changed in committee and received a great deal of criticism from the media. I did not support this change.

Ultimately, the Legislature approved a measure that keeps the language protecting overly broad public

records requests and directs the attorney general to adopt a model rule on other issues related to public access to government documents.

Safety in our state parks

I will be serving on a task force created by House Bill 1799 to look at law enforcement jurisdictional problems for park rangers. This was an issue I helped park rangers bring to the attention of the Legislature. Common enforcement concerns on park lands are related to drug use and domestic violence. Park rangers want to be able to assist law enforcement when and wherever appropriate.

Under current law, park rangers are vested with police powers, but have "limited authority" and go through a separate state-funded training academy (not the Criminal Justice Training Center where other law enforcement officers train).

There is some reciprocity between park rangers and sheriffs' offices. However, because many sheriffs' offices are not located near the parks, there is a problem with delayed response times by law enforcement. Many sheriffs' offices are also understaffed, which adds to the delay. Sometimes the delay is several hours. This creates a big problem in emergency situations. Even in non-emergency situations, this creates a public health and safety problem.

For about 20 years, park rangers have operated under the general policy that they can enforce laws on and "near the vicinity" of park lands. A new policy issued by the State Parks and Recreation Commission in January 2005, limiting park rangers' enforcement powers to within the boundaries of state parks in most circumstances, creates a big public safety problem.

Thank you to the young people from our district who served as Senate Pages this year

Kathleen Karakas, home schooled
Chris Fenwick, Marcus Whitman Jr. High
Kevin Shardelman, Bremerton High 9th
Grade Academy
Bethany Jean Thomas, Exploier Academy
Melissa Rush, Charles Wright Academy
Allison Smithingell, Peninsula High School
Daniel Fox, Charles Wright Academy
Kaitlyn Savage, Kopachuck Middle School
Shelly Culbertson, Charles Wright Academy
Christian Harkson, Gig Harbor High School
Greg Bigelow, Gig Harbor High School
Aaron Grubbs, home schooled
Amanda Ricketson, South Kitsap High School

New special license plates will raise funds for children, veterans, parks and to reduce pet overpopulation

I sponsored bills to create the following new special license plate:

1. Keep Kids Safe license plates to help raise funds for the prevention of child abuse and neglect.
2. We Love Our Pets license plates to help raise funds for low-cost spay/neuter surgeries to help reduce the number of unwanted pets.
3. Parks & Recreation license plates to help raise funds for the enhancement of state parks.
4. Armed Forces license plate collection to help raise funds for programs benefiting veterans.

